

1: CV 07 0049

IN THE UNITED STATES DISTRICT COURT

FILED
SCRANTON

JAN 10 2007

PER

DOCKET CLERK

David E. Ricketts

Docket No.

(To be supplied by the Clerk)

USMCEP - Springfield

P.O. Box 4000 Springfield Missouri

Plaintiff/Petitioner(s).

65801

-vs-

AW of Unicon Mr. Laws

Millwright supervisor-Mr. Chesley(sic)

Construction supervisor-Jay Young

Weld-2 supervisor Mr. Kratzer(sic)

WARDEN USP Lewisburg Defendant/Respondent(s.)

☐ CIVIL RIGHTS COMPLAINT
pursuant to 42 U.S.C. §1983
(State Prisoner)☐ CIVIL RIGHTS COMPLAINT
pursuant to 28 U.S.C. §1331
(Federal Prisoner)☐ CIVIL COMPLAINT
pursuant to the Federal Tort Claims
Act, 28 U.S.C. §1346, 2671-2680

I. JURISDICTION

A. Plaintiff's mailing address and/or register number and present place of confinement.
David E. Ricketts #09486-040 medical center for federal prisoners-

Springfield P.O. BOX 4000 Springfield Missouri, 65801-4000

B. Defendant Assistant Warden of Unicon Mr. Laws employed as
(Name of First Defendant)

Assistant Warden

(Position/Title)

with Unicon - USP Lewisburg, P.O. Box 1000
(Employer's Name and Address)

Lewisburg PA. 17837

At the time the claim(s) alleged in this complaint arose, was the defendant employed by the state, local or federal government?

Yes ()

No ()

If your answer is "yes", briefly explain:

Assistant Warden of Unicon, oversees Unicon's
workers and upholds its policy

- C. Defendant MR. John Chesley (sic) is employed as
 (Name of Second Defendant)
Millwright Supervisor
 (Position/Title)
 with Unicor At USP Lewisburg PA.
 (Employer's Name and Address)

At the time the claim(s) alleged in this complaint arose, was the defendant employed by the state, local or federal government?

Yes (X) No ()

If your answer is "yes", briefly explain:

MR Chesley(sic) OVERSEES ALL OTHER Supervisors AND
Chooses who does which jobs according to their
specific abilities, including upholding UNICOR-BOP policy.

- D. Using the outline of the form provided, include the above information for any additional defendant(s).

- 1) Construction Supervisor - Jay Young. His duty was to
delegate work out to his crews, including upholding BOP
and UNICOR policies.
- 2) Weld 2 Supervisor MR. RICH KATZER(sic) His duty was to delegate
which welders did which jobs. Including upholding BOP and
Unicor policies.
- 3) WARDEN OF USP Lewisburg during 2004

II. PREVIOUS LAWSUITS

- A. Have you begun any other lawsuits in state or federal court relating to your imprisonment?

Yes (X)

No ()

- B. If your answer to "A" is "yes", describe the lawsuit(s) in the space below. (If there is more than one (1) lawsuit, you must describe the additional lawsuits on another sheet of paper, using the same outline.) Failure to comply with this provision may result in summary denial of your complaint.

YES - I WENT THROUGH ALL OF THE INSTITUTIONAL REMEDIES, ALSO
WORKMANS COMPENSATION AND A TORT CLAIM.

1. Parties to previous lawsuits:
 Plaintiff(s) ~~intended above~~ David Ricketts
 Defendant(s) MR LAWS, MR CHEASLEY (sic) MR. YOUNG AND MR KRATZER (sic)
2. Court (if Federal Court, name the District; if State Court, name the County) _____
3. Docket number _____
4. Name of Judge to whom case was assigned _____
5. Type of case (for example: Was it a Habeas Corpus or Civil Rights action?) _____
6. Disposition of case (for example: Was the case dismissed? Was it appealed? Is it still pending?)
All were denied
7. Approximate date of filing lawsuit MAY of 2005
8. Approximate date of disposition OCT 23, 2006

III. GRIEVANCE PROCEDURE

- A. Is there a prisoner grievance procedure in the institution? YES
- B. Did you present the facts relating to your complaint in the prisoner grievance procedure?
 Yes (X) No ()
- C. If your answer is "yes",
 1. What steps did you take? BP-8 1/2, 9, 10, 11. WORKMAN'S Comp AND A Tort Claim.
 2. What was the result? My BP's were denied as being untimely. My WORKMAN'S Comp was denied. My Tort Claim was denied because they said it was A WORKMAN'S Comp Claim.
- D. If your answer is "no", explain why not. _____

E. If there is no prisoner grievance procedure in the institution, did you complaint to prison authorities? Yes () No ()

F. If your answer is "yes",

1. What steps did you take? _____

2. What was the result? _____

G. If your answer is "no", explain why not. _____

H. Attach copies of your request for an administrative remedy and the response(s) you received. If you cannot do so, explain why not:

I do not have the money to copy or of the documents
but I do have them

IV. STATEMENT OF CLAIM

State here, as briefly as possible, the FACTS of your case. State who, what, when, where and how you feel your constitutional rights were violated. Do not cite cases or statutes. If you choose to submit legal arguments or citations, you must do so in a separate memorandum of law. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. If your claims relate to prison disciplinary proceedings, attach copies of the disciplinary charges and any disciplinary hearing summary as exhibits.

Only two (2) extra pages (8½ x 11") are permitted, if necessary, to complete your statement of claim. Additionally, attach any relevant, supporting documentation.

ON August 20, 2004 I WAS welding in the weld 2 area
AND WAS Stabbed 23 times with a class A tool 3/8 in
philips screwdriver, 22 of those times were all within a
1 inch area of my necks spinal column which broke
my neck in 2 places and killed half of my spinal cord
between C-2,3 and 4 leaving me paralyzed on half of my
body called a BROWN SQUARD injury. 1 stab was down
thru my shoulder and punctured my heart. the scar tissue
surrounding my spinal cord rub up against my spinal cord causing
me great pain and now I suffer from spasms
There are clear guidelines set forth concerning "Class
A" tools. A work order is needed to go from one shop to
another and is supposed to be in a locked tool box until the

person with the work order gets to his destination where it is unlocked.

Otherwise, a correctional officer must accompany the inmate while using the class A tool.

Because it was not found for so long, it is quite obvious that the 2 supervisors running the weld & shop failed to protect me or did their rounds.

Richard VARDANSKI (sic) was able to make it through 2 locked security doors, the millwright shop door and the metal warehouse door, without a work order.

Because the weld & shop was just being started up within a 3 week period, there were no security cameras installed.

While at the hospital I was asked questions by the FBI and told them that I was attacked from behind and didn't remember anything.

I was questioned repeatedly by different Lt's on duty guarding me and they gave statements saying that MR VARDANSKI (sic) owed me stamps and was saying "I told you I was going to fucking pay you punk".

I never made those statements or was dragged up to the point I didn't know what I was saying.

I was accused of having something to do with drug dealing, which ended up in me being stabbed, which was false.

The rules that govern the use and supervision of a class A tool - 3/8 inch Philips screwdriver were not followed and the defendants listed had the legal obligation to keep me from being stabbed with a class A tool.

Therefore I request a jury to decide.

V. REQUEST FOR RELIEF

State exactly what you want the Court to do for you. If you are a state or federal prisoner, and seek relief which affects the fact or duration of your imprisonment (for example: illegal detention, restoration of good time, expungement of records or parole release), you must file your claim on a Habeas Corpus form, pursuant to 28 U.S.C. §2254, 28 U.S.C. §2255, or 28 U.S.C. §2241.

I AM ASKING A SUM OF \$5,000,000.00 FOR THE NEGLIGENCE OF THE BOP FOR BEING PARALYZED FOR LIFE, PAIN AND SUFFERING, AND 70% OF MY GRADE 1 UNICOR PAY PLUS THE BACK 70% GRADE 1 UNICOR PAY FROM AUGUST 20, 2004, TO THE PRESENT. I ALSO SEEK MONTHLY PAYMENTS FOR THE ABILITY LOSS OF THE ABILITY TO WORK.

VI. JURY DEMAND (check one box below)

The plaintiff does ☒ does not ☐ request a trial by jury. (See Fed.R.Civ.P. 38.)

DECLARATION UNDER FEDERAL RULE OF CIVIL PROCEDURE 11

I, the undersigned, certify to the best of my knowledge, information, and belief, that this complaint is in full compliance with Rule 11(a) and 11(b) of the Federal Rules of Civil Procedure. The undersigned also recognizes that failure to comply with Rule 11(a) and (b) may result in sanctions, monetary or non-monetary, pursuant to Federal Rule of Civil Procedure 11(c).

The plaintiff hereby requests the Court issue all appropriate service and/or notices to the defendant(s).

Signed this 22 day of December, 2006.

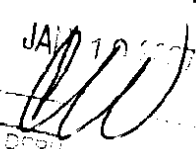
Daniel Ricketts

Signature of Plaintiff

Signature of attorney, if any

Memorandum of Law

- 1.) This Courts Jurisdiction arises under 28 USC 1346 (b). The venue is vested by 28 USC 1402 (b). A special duty is owed to plaintiff by the BOP pursuant to 28 USC 1346 (b)
- 2.) The BOP had foreseeable knowledge of the risk posed to inmates yet took no measures to reduce this threat., resulting in Plaintiffs injuries. The BOP breached it's legal duty to plaintiff and is liable under Federal Tort Law. Specifically, failure to protect failure to maintain a safe and secure work environment, failure to follow BOP standards for the use and movement of "Class A" tools.
- 3.) Plaintiff has complied with 28 USC 2401 (b) by filing his Tort Claim within the required two years. Plaintiff demanded a sum of \$5,000,000.00 and was denied claiming it fell under the guise of a workmans comp claim.
- 4.) Tort act 28 USC 2671 SEEKING COMPENSATION FOR PERSONAL DAMAGES incurred as a direct negligence of the BOP to supervise it's federal officers duties to maintain control of "Class A " tools and the movement of it's workers.

FILED
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